IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5716/2007

KRISHNA CHANDRA PAL & ANR. Vs. RAMGIRI CHELA DURGAGIRI

DATE: 14.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. R.C. Joshi for the petitioners.

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This writ petition is directed against the order dated 23.04.2007 passed by the Additional Chief Judicial Magistrate (Sr. Division), Karauli, whereby the application moved under Order 26 Rule 4 CPC for recording the statement of defendant-petitioner No.1 Krishna Chandra Pal, sole trustee of the trust at his residence and appoint a commissioner to record the statement of the petitioner, has been rejected.

Learned counsel for the petitioner after arguing at length, only submits that the petitioner may be given liberty to file fresh application and the same may be directed to be heard and decided at its on merit.

Liberty is given to the petitioner to move fresh application to this effect and the same shall be considered by the trial Court at its on merit and shall pass fresh order.

With these observations, the writ petition stands disposed of without issuing notice to the respondent.

(K.S. RATHORE),J.

/KKC/